

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES P. WILSON and JACQUELYN H.
WILSON,

Plaintiffs,

v.

SYNTHES USA PRODUCTS, LLC, SYNTHES
SPINE COMPANY, LP, SYNTHES SPINE, INC.,
SYNTHES USA HQ, INC., and SYNTHES
NORTH AMERICA, INC.,

Defendants.

CIVIL ACTION
NO. 14-4724

ORDER

AND NOW, this 15th day of July, 2015, upon review of Defendants' Motion to Dismiss (Docket No. 3), Plaintiffs' Response thereto, Defendants' Reply and both parties' Notices of Supplemental Authority, and after a thorough review of the pleadings, it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss is **GRANTED** in part and **DENIED** in part;
2. Defendants' Motion to Dismiss is **GRANTED** as to the strict liability and negligent marketing claims set forth in Plaintiffs' Complaint, and these claims are stricken from the Complaint;
3. Defendants' Motion to Dismiss is **DENIED** as to the manufacturing defect, negligent design, failure to warn and negligence *per se* claims.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.